

Message Text

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O P 232220Z FEB 77
FM SECSTATE WASHDC
TO AMCONSUL HONG KONG IMMEDIATE
USMISSION GENEVA
AMEMBASSY KUALA LUMPUR
AMEMBASSY BANGKOK
AMEMBASSY MANILA
AMEMBASSY SINGAPORE
AMEMBASSY JAKARTA
AMEMBASSY TOKYO
INFO AMEMBASSY TAIPEI PRIORITY
AMCONSUL FUKUOKA
AMCONSUL OSAKA KOBE

C O N F I D E N T I A L STATE 040705

E.O. 11652: GDS

TAGS: SREF, CVIS

SUBJECT: INDOCHINESE BOAT CASE PROCEDURES

REF: (A) HONG KONG 1480; (B) HONG KONG 1671; (C) GENEVA
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0760; (D) BANGKOK 2896; (E) STATE 76-178281; (F) GENEVA
1194; (G) GENEVA 1222 (ALL NOTAL)

1. FOR HONG KONG CONSUL GENERAL CROSS: CONGRATULATIONS
ARE DUE YOU, YOUR STAFF, AND SAM FELDMAN FOR YOUR EXCEL-
LENT WORK IN GETTING HKG TO ACCEPT PROPOSAL TO USE HK AS
TRANSIT/FINAL PROCESSING POINT FOR CE/NPV PROGRAM FOR BOAT

CASE REFUGEES FROM INDOCHINA (REFTEL A) AND YOUR WELL THOUGHT OUT PROCEDURES FOR IMPLEMENTING THE PROGRAM (REFTEL B). THEY REPRESENT A SIGNIFICANT CONTRIBUTION TO SOLVING A LONG FESTERING PROBLEM OF GREAT HUMANITARIAN CONCERN. PROSPECTS NOW APPEAR BRIGHT THAT HUNDREDS, EVENTUALLY THOUSANDS OF DESPERATE PEOPLE WILL FIND TEMPORARY AND PERMANENT SAFEHAVEN THANKS TO THAT EFFORT. CONGEN SHOULD CONVEY THE DEPARTMENT'S GRATITUDE TO THE HKG FOR ITS WILLINGNESS TO SUPPORT THIS ENDEAVOR.

2. FOR ALL ACTION ADDRESSEES: MUCH HARD WORK LIES AHEAD FOR ALL ADDRESSEES, WHO HAVE ALREADY PITCHED IN ON BOAT CASES. AS TO NUMBERS OF EPP QUALIFIED INDOCHINESE REFUGEES CURRENTLY IN SOUTH EAST ASIA (REFTELS C AND D), ESTIMATE OF ABOUT 300 FAMILIES IN THE REGION APPEARS APPROXIMATELY CORRECT. DEPARTMENT RECORDS CARRY OVER 1,400 BOAT CASE REFUGEES NOMINATED BY POST FOR EPP RECOUP NUMBERS. OF THESE 522 WERE APPROVED AND ASSIGNED NUMBERS UNDER THE 11,000 PROGRAM, LEAVING WELL OVER 800 INDIVIDUALS PROBABLY QUALIFIED UNDER EPP CRITERIA. IN ADDITION, SUBSTANTIAL NUMBERS OF REFUGEES HAVE STILL NOT BEEN GIVEN ADEQUATE PRELIMINARY SCREENING TO DETERMINE PROBABLE ELIGIBILITY.

3. THESE FIGURES SUGGEST THAT THERE IS AN EPP QUALIFIED BACKLOG OF REFUGEES SUFFICIENT TO FILL THE QUOTA FOR ABOUT THREE MONTHS UNDER THE NEW CONDITIONAL ENTRY AUTHORITY FOR INDOCHINESE BOAT CASES. THESE EPP QUALIFIED REFUGEES SHOULD BE PROCESSED FIRST; AND, AMONG THESE, CONFIDENTIAL

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IF NECESSARY TO ORGANIZE THE HANDLING OF A LARGE CASELOAD THE PRIORITY ORDER SHOULD FOLLOW THE CATEGORY ORDER AS STATED IN REFTEL E, PARA 1C: I.E., A PRINCIPAL APPLICANT IN CATEGORY I (RELATIVES) SHOULD HAVE FIRST PRIORITY; CATEGORY II (EMPLOYEES), SECOND PRIORITY; CATEGORY III ("HIGH RISK"), THIRD PRIORITY; ACCOMPANYING RELATIVES OF COURSE SHARE THE PRIORITY OF THE PA.

4. THESE EPP CRITERIA ARE TO BE USED BY CONSULAR OFFICERS IN DECIDING WHICH BOAT CASE REFUGEE SHOULD BE GIVEN REFUGEE PROGRAM SUPPORT FOR THEIR MOVEMENT TO HONG KONG AND ONWARDS TO THE U.S. THESE CASES ARE TO BE SUBMITTED TO INS OFFICERS FOR PRE-SCREENING PRIOR TO THEIR MOVEMENT TO HONG KONG. THE POINT OF THIS PRE-SCREENING IS TO ENSURE THAT REFUGEE PROGRAM SUPPORT WILL NOT MOVE REFUGEES TO HONG KONG UNLESS THERE IS NEAR CERTAINTY THAT UPON THEIR ARRIVAL IN HONG KONG THEY WILL BE FOUND ELIGIBLE FOR CONDITIONAL ENTRY INTO THE U.S. IF THE NUMBER OF EPP QUALIFIED CASES PROVES LATER TO BE INSUF-

FICIENT TO UTILIZE THE 100 CE NUMBERS PER MONTH AVAILABLE TO THIS PROGRAM EPP CRITERIA MAY BE RELAXED IN THE SELECTION OF CASES TO BE PRESENTED TO INS FOR PRE-SCREENING BUT ONLY UPON INSTRUCTION BY THE DEPARTMENT. BASIC CE CRITERIA, OF COURSE, ARE STATUTORY AND CANNOT BE RELAXED UNDER ANY CIRCUMSTANCES.

5. NON-PREFERENCE NUMBERS ARE NOT CURRENTLY AVAILABLE. SINCE IT IS IMPOSSIBLE TO PREDICT WHEN NON-PREFERENCE NUMBERS WILL BE CURRENT OR FOR HOW LONG, IT IS URGENT THAT WE MOVE FORWARD EXPEDITIOUSLY WITH DOCUMENTATION

OF BOAT CASE REFUGEES IN ORDER TO ESTABLISH A PRIORITY REGISTRATION DATE FOR NON-PREFERENCE NUMBERS WHICH IS AS EARLY AS POSSIBLE. FOR REFUGEES ON WHOM BIOGRAPHIC INFORMATION HAS ALREADY BEEN SUBMITTED BY THE POST, THE DATE OF THE BIO TELEGRAM WILL BE REGARDED AS THE PRIORITY CONFIDENTIAL

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REGISTRATION DATE FOR THE PRINCIPAL APPLICANT AND ACCOMPANYING RELATIVES. FOR THOSE CASES NOT ALREADY SUBMITTED TO THE DEPARTMENT, THE PRIORITY REGISTRATION DATE WILL BE THE DATE UPON WHICH THE COMPLETED APPLICATION FOR CE BY THE PRINCIPAL APPLICANT IS RECEIVED AND DATE STAMPED BY THE CON OFF. THIS DATE WILL ALSO APPLY TO THE ACCOMPANYING FAMILY MEMBERS OF THAT PRINCIPAL APPLICANT.

6. SINCE IT IS VERY IMPORTANT THAT THE LIMITED CE NUMBERS AVAILABLE TO THIS PROGRAM BE AS FULLY UTILIZED AS POSSIBLE, POST SHOULD MOVE FORWARD AS EXPEDITIOUSLY AS POSSIBLE WITH THE PRE-PROCESSING OF EPP QUALIFIED CASES TO PREPARE THEM FOR THEIR INS/CONSULAR PRE-SCREENING INTERVIEW. THUS, THOUGH IN THE NEAR FUTURE DOCUMENTATION ASSISTANCE WILL BE PROVIDED BY THE VOLAGS JOINT REP, CONSULAR OFFICERS SHOULD INITIALLY PROVIDE SUCH ASSISTANCE FROM THEIR OWN STAFFS TO THE EXTENT THAT OTHER WORK REQUIREMENTS PERMIT UNTIL A VOLAG REP IS AVAILABLE.

7. WE FORESEE A POSSIBLE PROBLEM IN THE SPORADIC AND UNPREDICTABLE AVAILABILITY OF NON-PREFERENCE NUMBERS. IT MAY BE DIFFICULT TO LIMIT THE NUMBER OF REFUGEES IN HK AT ANY ONE TIME AND STILL FULLY UTILIZE NON-PREFERENCE NUMBERS WHEN AVAILABLE. THE CONGEN WILL BE RESPONSIBLE FOR REGULATING THE FLOW INTO HONG KONG TO ACHIEVE THE LARGEST MOVEMENT OF REFUGEES POSSIBLE WITHIN LIMITS SET BY THE HKG.

8. WITH RESPECT TO THE PROCEDURES DETAILED IN REFTEL B, PARAS 5 THROUGH 10, DEPT. ENDORSES AND INSTRUCTS SEA

POSTS TO FOLLOW THEM. (IN PARA 9, SINGAPORE AND INDONESIA WILL BE ADDED TO INS/HK CIRCUIT AS SOON AS VOLAG AGENCY REP COVERAGE IS PROVIDED.)

9. PARA 11 REFTEL B RAISES QUESTIONS ABOUT ELIGIBILITY
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FOR NPV OF CERTAIN ACCOMPANYING RELATIVES OF PA. POST IS CORRECT IN POINTING OUT THAT RELATIVES SUBJECT TO 212(A)(14) WOULD NOT QUALIFY AS DEPENDENTS. IN SUCH CASES THE ACCOMPANYING RELATIVE IN EPP TERMS WOULD BECOME A PRINCIPAL APPLICANT FOR CE, AND POSTS SHOULD REQUEST THE VOLAG REP TO ASSIST THE REFUGEE IN PREPARATION OF I-590. THAT REFUGEE SHOULD THEN BE INCLUDED IN THE INS/CONSULAR PRE-SCREENING INTERVIEW WITH RELATIVES.

10. IN CASES SUCH AS THE ABOVE, DEPT. AND INS/CO AGREE THAT INS/HK HAS FULL AUTHORITY TO GRANT CE TO AVOID FAMILY SEPARATION, AS REQUESTED PARA 12, REFTEL B. IF, HOWEVER, A REFUGEE IS ELIGIBLE FOR AN NPV, CE SHOULD NOT BE GRANTED WITHOUT WASHINGTON APPROVAL, EVEN IF THE REFUGEE FAMILY IS DELAYED WHILE AWAITING AVAILABILITY OF NP NUMBERS.

11. THE PROVISION NOTED IN PARA 13 REFTEL B DENYING 203(A)(7) RELIEF TO THOSE WHO QUALIFY FOR ADMISSION UNDER 201 B OR 101(A)(27)(8) WILL WORK TO MAKE CE NUMBERS STRETCH FURTHER. POSTS WHERE SUCH REFUGEES FIND TEMPORARY ASYLUM SHOULD PROCESS THEM DIRECTLY. IN A FEW CASES IT MAY BE THAT RELATIVES ARE TEMPORARILY SEPARATED, BUT VOLAGS CAN BE EXPECTED TO ATTEMPT REUNIFICATION IN U.S. IN TIME. SHOULD REFUGEES OF EXTENDED FAMILY REJECT MULTIPLE TRACKS AND TIME LAGS IN ENTRY, THEN THEY SHOULD REQUEST THE ASSISTANCE OF UNHCR REP IN FINDING PERMANENT RESETTLEMENT IN ANOTHER COUNTRY.

12. FOR GENEVA: ICEM ROLE AS OUTLINED REFTEL B WILL PROVIDE NECESSARY SUPPORT TO PROGRAM, AND SHOULD BE FUNDED FROM LOAN FUND 5. FOR EPP, ICEM/BANGKOK HAS HANDLED TRAVEL REQUESTS FROM THAILAND, MALAYSIA, AND SINGAPORE; AND ICEM/HONG KONG HAS HANDLED THOSE FROM HONG KONG, INDONESIA, PHILIPPINES, AND JAPAN. IF ADJUSTMENT IN THAT DIVISION BECOMES NECESSARY BECAUSE OF THE NATURE OF THIS PROGRAM, INCLUDING ROUTING THROUGH HK, ICEM SHOULD MAKE ITS DESIRED
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CHANGES KNOWN ASAP. OTHER ASPECTS OF ICEM ROLE, AND

FUNDING ARRANGEMENTS, BEING CONSIDERED BY DEPT., AND REPLY
TO REFTEL F WILL BE MADE SEPTEL.

13. FOR HONG KONG AND GENEVA: INsofar AS UNHCR'S INSTRUCTIONS TO SUMPAT KUMAR RESPECTING FOLLOW-UP APPROACH TO HKG GIVEN IN REFTEL G (BEING REPEATED TO HK) REFERS TO REFUGEES BROUGHT TO HK FROM OTHER FIRST ASYLUM COUNTRIES, THEY PRESENT NO PROBLEMS. DEPT. ASSUMES THAT UNHCR WILL CONTINUE TO BE INVOLVED IN CARE AND MAINTENANCE AND SEARCH FOR RESETTLEMENT OPPORTUNITIES FOR REFUGEES TO WHOM HONG KONG GIVES FIRST ASYLUM.
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